

A TUNNEL COLLISION

Wreck of the Los Angeles Express.

The Train Dispatcher to Blame.

Fireman Killed and Engineer Fatally Injured.

The McChesney Scholarship in the State University.

The Home Savings Bank of San Francisco to Pay Five per cent. to Depositors.

A Tunnel Collision.

The Los Angeles express, due in Oakland at 5:30 P. M. yesterday, collided with a work-train in the Altamont tunnel, about nine miles from Livermore, at 7 o'clock last night. The fireman of the express was killed outright. Harry G. Hubbard of 939 Wood street, the engineer, was pinned by the wreckage against the boiler of his locomotive, and was frightfully mangled. He suffered untold torture, and at 12 o'clock last night, when the last news was had from the scene of the collision, Hubbard, in his agony, was praying that he might die. The disaster was caused by the train dispatcher at the Oakland mole, who sent both trains toward each other on the same track. As far as could be learned last night no passengers were injured.

When the Los Angeles train was coming down the road upon its regular route, a washout was discovered between Martinez and Avon which

prevented the passage of the express.

It was ordered to return to Tracy and to make Oakland on the old route by way of Livermore.

The conductor received a wire at Tracy that the line was clear beyond that point, and he therefore proceeded, endeavoring to make up for the lost time, on the way.

During the day a work train had been out in the Livermore valley repairing breaks and washouts caused by the storm. The men had been at Altamont, which is a short distance off the railroad line, and their train was west of that place. The work being finished, the train started for Tracy, pursuant to orders, to put up for the night. To reach Tracy it had to pass through the Altamont tunnel.

This place has always been considered a dangerous spot on this line. It has a slight curve, and, though not very long, the tunnel is a fearful spot for the train men.

As the work train was making for Tracy with the men who had been plodding along the line all day the express was tearing from Tracy, making up lost time. Both trains had been informed that they had the right of way. They met with a frightful crash in the center of the tunnel. Both engines were wrecked, the fireman of the overland was instantly killed and Engineer Hubbard was terribly injured.

The tender and coal bunkers of the express were smashed and the timbers pinned Hubbard against the boiler. He was probably fatally injured internally. His cries of agony were heartrending. To those who crowded around him and endeavored to release him he made piteous appeals to be shot. At 11 o'clock last night, four hours after the accident Hubbard was yet pinned by the wreck. He was then alive but was suffering the most horrible torture.

As soon as Superintendent Wilder was informed of the collision he sent a special train from Tracy, which took the passengers back to that station at midnight. A wrecking train was sent out from the Oakland mole at 8 o'clock last night in charge of Master Car Repairer W. B. Ludlow. Dr. Woolsey, the railroad physician, went to the scene on this train. Two physicians from Tracy were also sent to the tunnel on a special.

A. D. Wilder, division superintendent, was seen at the Oakland mole at midnight. He said:

"The information we have so far received is to the effect that the fireman on the southern overland train is killed and Engineer Harry Hubbard fatally injured.

"We heard early in the evening that a severe washout had occurred between Avon and Martinez, and from the information furnished us it was plain that the Southern overland could not be brought in by way of Port Costa. We ordered the train sent back to Tracy, in hopes of being able to bring it into Oakland by

way of the Altamont hill.

"The train was running on time and was known as a 'regular.' The moment it left Tracy it was run as a 'special.' The only way in which I can account for the collision is that the train dispatcher at the Oakland mole overlooked his hand. By this I mean that he must have lost sight of the trains after they had started out.

"From information received at midnight I am led to believe that none of the passengers on the Southern overland have been injured. News from the scene of the accident is very meagre. The trains collided nine miles from the telegraph station and the first intimation we had of the disaster was furnished by one of the brakemen, who rode nine miles on horseback to telegraph the news. It is the worst accident that has occurred on the division since I have been superintendent.

"The Oregon express and Central overland trains, scheduled to leave the Oakland mole this evening, were delayed on account of the collision and the damage along the line. We expect to have the track at Altamont cleared by tomorrow morning. A crew will be sent to repair the damage caused by the washouts at Martinez. It is impossible to work on the washouts tonight, as the water is too high and is running very strong. It is to be hoped that it will subside by morning, and such being the case I have no doubt but the track will be cleared in a few hours."

The Storm Continues.

Notwithstanding a somewhat favorable outlook of the weather yesterday afternoon, it commenced raining again a little after midnight and continued until morning. Yesterday the large amount of rain in the interior caused all of the streams to rise rapidly and in many cases overflow their banks and flood several towns. The railroad companies are troubled to keep the roads open, although extra exertions are being used. The electric cars on the Hayward's line are stopped, the road being flooded by the overflow of San Lorenzo creek near the town of Haywards. The bay about West Berkeley has large amounts of floating wood and piles in it, and boats are in demand for the purpose of securing as much as possible. As many large piles are drifting about it is supposed that some rafts at San Francisco have broken loose and singly they find their way into the bay.

An Elegant Dinner.

The Unda family gave a New Year's dinner to a number of their friends at their residence on San Pablo near University avenue. The rooms, in addition to the beautiful paintings hanging upon the walls and the beautiful table arrangement so tastefully arranged about, were still further made to look beautiful by clusters of the holly berry, wreaths of

laurel, strings of smilax, St. Joseph lillies in bloom and various other flowers that made a pleasing contrast for the eye to look upon. During the evening an orchestra of four selected pieces discoursed sweet music that reached beyond the outer door and caused the passerby to stop and listen to the melodious sounds.

Dancing was also indulged by the guests. Special musical artists among the guests favored the company with choice selections of music.

Later on those in attendance were asked to sit down to a table loaded with all the delicacies of the season. Many dishes foreign to the American taste were specially prepared for the occasion by the mother of the hostesses who thoroughly understands the preparation of a feast. While eating and sampling the liquids provided, the company were entertained by songs and speeches and the evening passed away so pleasantly that the clock was striking but a few bells at a time when the guests took their departure wishing the young ladies success and extending to them all the compliments of the season. Those present were:

Hon. J. M. Luco and Mrs. Luco, Professor P. A. Espina, Miss Gray, Mrs. Bates, Mr. and Mrs. Nielson, Miss Nielson, Mr. Herzor, Mr. J. J. Merrill, J. A. Alcayaga, Mr. Ted Smith, A. Rodriguez, Charles Delaney, Miss L. Partridge, Phil Serda, Professor Thomas Bree, Mr. Compton, Mr. and Mrs. James Landregan, Mr. and Mrs. Charles H. Spear, P. A. Unda, Sr., and Mrs. Unda, P. A. Unda, Jr., and Mrs. Unda, M. M. Unda, Miss Chlorinda Unda, Miss Carmen Unda, Miss Lupe Cruz, Master Robert Cruz, Georgia Edna Bates, Mr. and Mrs. Frank O'Brien, Mr. Peeler, Mrs. Ellen Peralta, Mr. John Morris and Mrs. Calkins.

A New Scholarship.

J. B. McChesney has been principal of the Oakland High School ever since its foundation. Under his fostering care forty classes have graduated, and the school has expanded until the fine, new building is the result.

The dedication of the new building has aroused the alumni of the High School to action. Most of the prominent young people in Oakland are graduates of the institution and at a meeting called there weeks ago it was determined that the present was a very good time to do something for the school. Mayor George C. Pardee, who is an Oakland High School alumnus, was elected chairman of the meeting, which was held in the fine, new building. Plans were discussed, and finally all the schemes narrowed down to two—A McChesney scholarship in the State University, to which graduates of the Oakland High School should be eligible, and a scheme to raise money to decorate the interior of the new building with pictures and books. Mayor Pardee appointed a com-

mittee of representative alumni, which has been working diligently during the last fortnight. They favor both objects and will present the details by which they hope the money can be raised at the next alumni meeting. The committee consists of Mayor Pardee, Mrs. Fred S. Stratton, Miss Ina Griffin, J. O. Scotchler and Chas. Cushing. If their report be adopted at the general meeting a committee of forty will be appointed. This will include one representative from each graduating class, and a thorough canvass of each class will be made by the member appointed. In this way all of the 1300 graduates will be reached, which will be necessary in order to raise a sufficiently large fund.

In Full Liquidation.

The management of the People's Home Savings Bank is ready to pay a 5 per cent dividend to its depositors. General John F. Sheehan has turned the bank over to the directors and henceforth will act only as secretary and manager. As receiver he has placed the property of the bank in excellent condition. He has leased and rented lands to good advantage, and expects to derive from some of them a handsome revenue.

If no mishap occurs he expects to see the bank pay 15 per cent more during the next six months. Liquidation will be accomplished by the directors under the supervision of the Bank Commissioners.

Cruel.

"It may be all right, but I don't think so," said a passenger on the Berkeley local this morning.

"What may be all right?"

"Didn't you hear that man ask the conductor to let him off at Emery?"

"Well, what of it?"

"Nothing, only the brakeman poked his nose in the door and shouted 'sandpaper.'"

Order of Chosen Friends.

Grand District Deputy Frank Gimbel installed the following named officers in Berkeley Council No. 72 in West Berkeley last evening. The bad weather prevented as large an attendance as is usual on such occasions: P. C., Mrs. M. C. Dean; C., M. Bruckmann; V. C., Mrs. M. D. Hadlen; Secretary, H. T. Wright; Treasurer, Frank Gimbel; Prelate, M. Jungle; Marshal, C. Söcker; Warden, E. Gregoire; Guard, B. Bruckmann; Sentry, P. H. Murphy; Trustees, E. Niehaus, C. E. Wulferdinger and A. F. Dean. Frank Gimbel was elected as Grand Representative to the Grand Council, with Mrs. M. C. Dsan as Alternate.

The citizens of Sacramento are now fully aroused and more than likely will take the law into their own hands if they think the occasion demands it. Sensational news may be received from there at almost any time.

THE GAZETTE.

PUBLISHED EVERY DAY EXCEPT SUNDAY

BY THE

GAZETTE PUBLISHING COMPANY.

WILL A. NASH.....EDITOR.

JOHN O. HANSCOM BUSINESS MANG'R

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One Year.....\$3.00

Six Months.....1.50

Per Month, Delivered by Carrier.....25 cts

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THE BLUEFIELDS SITUATION.

Secretary of State Gresham has sent to the Senate, in the form of an official letter to the President, a precis of the Bluefields situation, which shows that Mr. Gresham has allowed Great Britain to pull the wool over his eyes very completely. The secretary says that the United States has never regarded the Mosquito coast except as an integral part of the Republic of Nicaragua, and yet it is matter of current history that for half a century Great Britain has upheld the Mosquito Indians in their claim of autonomy and has virtually ruled the country, in spite of Nicaragua.

There is just one thing for the United States to do, if it desire to assert itself, and that is to demand that Great Britain take its hands off altogether and allow Nicaragua to dispose of the Mosquito coast question for itself. All that has kept such weeklings as Chief Clarence in existence has been the belief that England would back up a revolt against Nicaragua, for a sufficient consideration, especially if the obligation could be liquidated territorially. That, however, is the one thing to which the United States will not consent.

England does not care about that marsh and swamp known as the Mosquito coast, but it is deeply interested in the Nicaragua canal, and anxious to obtain a foothold somewhere near the eastern mouth of the great waterway. Bluefields Corn island, anywhere to be within easy striking distance of the canal, is what Great Britain wants and it will never abandon its scheme until the United States puts its foot down and insists that the Monroe doctrine is to be maintained under all circumstances and at all hazards. In this aspect the Bluefields situation becomes of great importance.

Two legal phases of the present day are being carried to excess. The one is the appointment of receivers on the slightest pretense, the other the creation of trustees to evade the spirit of American law, which is antagonistic to entails. Before long, unless a halt be called, the people will take up these questions in a legislative way and compel a reversion to earlier and wiser ideas and principles.

THE robbery of the Ontario Bank was one of the boldest crimes in the history of the State, but the prisoners did not show the same skill in flight as in the seizure of the coin. If they had fled to the foothills, instead of trying to escape by the railroad, they would have had a far better chance of getting away. The two men captured are veteran criminals, and if they cannot be convicted of this robbery they may be returned to the prisons from which they escaped.

Filled With Thieves.

Oakland is rapidly filling up with the riffraff recently driven from Sacramento, and able-bodied beggars and thugs are a common sight on the streets after nightfall. A couple of fellows recently asked a woman for money on Telegraph avenue and because she would not give it insulted her.

Burglars made a raid on Owen Lafferty's butcher-shop at 667 Broadway on Thursday night. They emptied the safe, cash-register and till. They secured in all \$28. They effected an entrance through a back window, using a jimmy to pry the window open. They also forced the till, register and money-drawers in the safe with the jimmy. The outer door of the safe Mr. Lafferty is not in the habit of locking.

The Oriental.

Last evening the Oriental theater in Oakland was crowded with people eager to see The Operator played. The Operator is the play of the year. The company is an excellent one throughout.

In the leading roles, William and Willard Newell do remarkably clever work and prove themselves entitled to their place in the galaxy of theatrical stars.

George Webster has a part that fits him like a glove.

In fact the whole company is first class in every particular. The Operator is distinctly worth seeing, even by the blasé theater-goer, who admires nothing.

A number of the ladies of Berkeley have requested the Crescent Athletic Club to allow them the privilege of using their gymnasium at certain hours. The club is in favor of forming a woman's annex, but will postpone action until the club is in its new building, which will be by March or April.

NOTICE.

Parties so desiring can always call up the GAZETTE by telephone. Telephone No. 33, six bells, West Berkeley. The office in East Berkeley will for the time being be located in the same office with the Western Union Telegraph Company.

Madame Kohne, midwife and ladies' nurse, has removed from Fifth street and Bancroft way to her present residence, 1912 Fifth street, between University avenue and Bristol street. Persons requiring her services can inquire at Rutledge's drug store.

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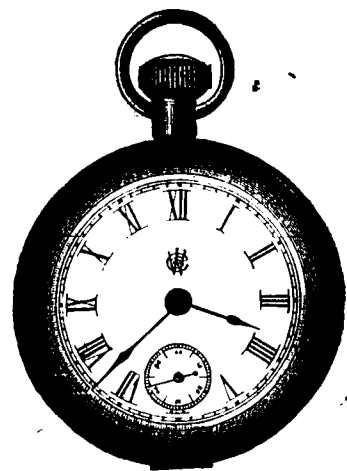
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French Mixed, in lovely Xmas boxes.....from 25c up
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Candles.....15c per box
Candle Holders.....5c doz up
Animals.....from 5c up
Tinsel and Silver and Gold La Matta.....5c per pkg
Christmas Trees.....from 25c to \$5
Lovely Baskets.....from 10c to \$5
Variety of Candies for ornamenting cakes.....special prices
Chocolates for Dessert.....special prices
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The public supplied.

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Millinery and Trimming of hats and bon-
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Suits Made to order in time for Xmas
if ordered right off at prices that
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Wife Make your Husband a Present of a
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XMAS HOLIDAYS.

Husbands and wives, call upon Schmidt & Zehner for all kinds of cutlery and holiday gifts.

A gentleman wants board and room in private family, must be a home, no style; one-half mile more or less from University. Address GAZETTE office. d5 1w

Jacob Mohr, the Dwight way cigar dealer, has reduced the price of his French mixed candy from one to two pounds for 25 cents. Cheapest place in town to buy your Christmas candy.

In the Laymance-Sanford contest Sanford's plurality so far has increased from eleven to twenty-three.

The estate of the late J. V. de Laveaga has been appraised at a valuation of \$893,710.15.

The Hibernia Savings and Loan Society owes to its depositors nearly \$36,000.00, which is secured by good assets.

Professor W. C. Jones, who was recently elected to fill a vacancy in the Board of Trustees, formerly held a position in the Berkeley Board of Education for a number of years.

It is stated that the branch Custom House, to be located in Oakland, will have only one position in it to be filled and that will have to be done from the civil service list.

Seven hundred and fifty tons of wheat was burned in a warehouse near Modesto yesterday. A tramp had built a fire in a box car standing near the building. The car got on fire and soon reached to the place which was destroyed.

It is quite likely that the tramps driven out of Sacramento will endeavor to make their way to San Francisco as they cannot live in the country during the wet season, especially such as there is now upon us. To get to the city they will naturally pass through Berkeley. It will be well for our officers to keep a sharp lookout for the hobos.

Whitelaw's wrecking scow Samson went on the rocks inside of Point Bonita yesterday morning and became a total wreck. The tug Reliance rescued eight out of the crew of fourteen men. The remainder are supposed to have gained the shore safely. It appears that during the night what was left of the hull got on fire and was seen burning until a late hour.

Subscribe for the GAZETTE.

The people of Temescal and Oakland are apparently determined upon annexation, but there is a difference regarding the territory to be annexed. Two petitions have been presented to the Council, each with the requisite number of signatures, and it is probable that two elections will have to be held to determine the boundaries of the territory that shall be annexed to Oakland.

A dispatch from Los Angeles says that Lieutenant-Governor Millard is sick with pneumonia and his case is a serious one. It will be sometime before he can come to Sacramento.

The Chicago football team put up a big game against the Salt Lake Club. The final score was fifty to nothing in favor of the former team.

The vagrant case which was tried in Judge Penwell's Court yesterday, resulted in the discharge of the accused. The evidence was so little that the jury did not leave their seats to find a verdict of acquittal.

The trial of the young men who are accused of having bakery tickets in their possession which they did not come by honestly has been postponed and will take place at a date to be set hereafter.

The trial of Charles Becker for the murder of C. A. Edson in Alameda was in progress yesterday. Rube Sebech testified about the deceased and the defendant quarelling in a saloon. He saw them go out, and almost immediately after he heard a shot. He ran out and saw Becker standing near the lifeless form of Edson. The trial will be resumed today.

Newspaper Sale.

The Morning Call of San Francisco was sold at public auction yesterday for the purposes of closing out the interest of deceased partners. Charles M. Shortridge of the San Jose Mercury secured the property for the sum of \$360,000. The amount is generally considered large. R. A. Crothers, representing some of the heirs was the only opposing bidder. This gentleman's last bid was \$355,500. Shortridge raised this to the amount stated above and took the property. The S. F. Bulletin will be placed on sale at public auction on Wednesday next.

Locomotive Engineers.

The local lodge of the Brotherhood of Locomotive Engineers held a meeting at West Oakland last night. The session was an executive one, but at its close it was given out that nothing definite was done in regard to the new schedule of wages issued by the Southern Pacific Company. No action will be taken at present, and it is not unlikely that the new schedule will be accepted without demur. It is understood that the members were divided regarding the course to pursue. A very small number were in favor of opposing any reduction, but the majority were in favor of a conference.

S. G. Crawford has moved his Intelligence office to corner of Addison street and Stanford avenue, where all kinds of help can be obtained.

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MRS. TABER'S FASHIONABLE Hair Dressing Parlors.

2130 SHATTUCK AVENUE.

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Latest style hair dressing .50c
Shampooing .50c
Curling and cutting bangs .25c
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Lessons Given on—

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AND MANDOLIN.

Lancaster Building,
Berkeley Station.

DIVIDEND NOTICE.

The German Savings and Loan Society.
526 California Street, S. F.

FOR THE HALF YEAR ENDING December 31, 1894, a dividend has been declared at the rate of FIVE (5) per cent per annum on Term Deposits, and FOUR AND ONE-SIXTH (4 1/6) per cent per annum on Ordinary Deposits, payable on and after Wednesday, January 2, 1895.

GEO. TOURNV,
Secretary.

dec 22-2w

DIVIDEND NOTICE.

Oakland Bank of Savings, Oakland, Cal.

FOR THE SIX MONTHS ENDING December 31, 1894, a dividend has been declared at the rate of FOUR AND THREE-QUARTERS (4 3/4) per cent per annum on ALL savings deposits, free of taxes, payable on and after Wednesday, January 2, 1895. Dividends not called for are added to and bear the same rate of interest as the principal, from and after January 1, 1895.

W. W. GARTHWAITE,
Cashier.

dec 22-1m

NOTICE OF ANNUAL MEETING.

Notice is hereby given that the annual meeting of the Stockholders of the Berkeley Odd Fellows' Hall Association will be held at the office of the Association, Odd Fellows' Building, Berkeley, Cal., on Thursday, January 10, 1895, at 7 o'clock p. m.

JOHN SPENCER, Pres't.
J. W. STRIKER, Sec. dec. 20 1d

DIVIDEND NOTICE.

THE UNION SAVINGS BANK, Oakland, California. A dividend has been declared to depositors for the six months ending December 31, 1894, at the rate of four and three-quarters (4 3/4) per cent per annum on all term accounts, payable on and after January 2, 1895.

A. E. H. CRAMER,
Cashier.

dec 24-1m

DIVIDEND NOTICE.

San Francisco Savings Union, 532 California St., corner of Webb.

FOR THE HALF YEAR ENDING with the 31st of December, 1894, a dividend has been declared at the rate of FOUR AND EIGHT-TENTHS (4 8/10) per cent per annum on Term Deposits, and FOUR (4) per cent on Ordinary Deposits, free of taxes, payable on and after Wednesday, the 2nd of January, 1895.

LOVELL WHITE,
Cashier.

dec 22-2w



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Foreign and Domestic Cigars

Smoking and Chewing Tobaccos, Pipes,
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Edward Everett Cigar.

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Sweet :- Marie

Sachet Powder

And Bongoust Celebrated French Per-
fumes for the Holidays at

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proper, the laying of gas or water pipes or electric conduits, the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone or electric light lines therein.

To regulate distribution of water and gas.

11. To regulate the quality, capacity and location of water and gas pipes, mains, hydrants, valves, and other appurtenances, and to regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

To grant franchises for street railroads.

12. To grant, under and in pursuance of the general statutes of this State, franchises for the construction of street railroads on and along the streets of the Town; provided that in all grants of franchises for street railroads it shall be made a condition that single fire-plugs and hydrants shall not exceed five cents, and that only such rails shall be laid down as are of the most approved pattern for street railways operated by horses, cables or other motors than steam. Provided further that it shall be unlawful for the Board of Trustees to grant a franchise for a street railroad until the date of holding a general Town election and within seventy days next immediately following such general election, to authorize or pass any ordinance, order or resolution granting to any person or persons or association of persons, or corporation whatsoever any privilege or franchise for the construction, extension or operation of any street railroad over or upon any part of any street, road, highway, squares or park within the Town of Berkeley.

Any franchise or privilege granted or attempted to be granted in violation of or contrary to this section shall be absolutely void and of no effect, provided that all applications and bids or proposals for franchises under this section shall be accompanied by a cash deposit of fifty dollars, to be held by the Board of Trustees, and if the successful bidder shall be retained until the full performance by him of the provisions of the franchise to the satisfaction of said Board. And upon such performance the remainder of such deposit after the payment therefrom of all expenses incurred by the connection with the awarding of such franchise shall be returned. Provided further that no franchise for a street railroad shall be granted without containing a provision that all United States mail carriers and officers of the town shall at all times while in the actual discharge of their duties be allowed to ride on the cars of such railroad without paying therefor and with all the rights of other passengers.

To contract for water supply.

13. To contract for supplying the town with water for municipal purposes.

To construct water works.

14. To acquire, construct and keep in repair pipes, aqueducts, reservoirs, to lay water pipes or do other work necessary for duly supplying the Town with water.

To fix water rates.

15. To fix and determine annually the rates of compensation to be collected by any person, company or corporation in the Town for the use of water supplied to the Town or the inhabitants thereof, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

To provide fire engines.

16. To provide fire-engines and all other necessary or proper apparatus for the prevention and extinguishing of fires.

To establish fire limits.

17. To establish fire limits with proper regulations.

To regulate objectionable trades.

18. To regulate the maintenance of powder works, slaughter houses, wash houses, laundries, tanneries, offensive trades, and all other manufactories, works and business of every description that may endanger the public safety, health or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper to exclude such works and business from the Town.

To establish a pound.

19. To prevent or regulate the running at large of any animal, establish a pound and to authorize the destruction or impounding of any animals running at large.

To appoint policemen and subordinate officers.

20. To appoint and remove such policemen and other subordinate officers other than the deputy sheriff of the county, whose term of office shall be two years and whose compensation shall be fixed by the Board of Trustees and whose duties shall be as in this charter prescribed, provided that no Auditor shall be elected prior to the municipal election of the year 1899.

To provide fines and imprisonment.

21. To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

To cause persons imprisoned for violation of any ordinance to labor on the streets or other property or works within the Town.

To add to the duties of Town officers.

22. To prescribe by ordinance not inconsistent with the provisions of this charter, the additional duties of all town officers, and fix their compensation.

To provide for election of Auditor.

23. To provide by ordinance, when said Auditor may be necessary for the election at a general Town election of an Auditor, whose term of office shall be two years and whose compensation shall be fixed by the Board of Trustees and whose duties shall be as in this charter prescribed, provided that no Auditor shall be elected prior to the municipal election of the year 1899.

To perform other acts.

24. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this charter, and to enact and enforce within the limits of the town all other local, police, sanitary and other regulations as do not conflict with the general laws.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Duties of the President of the Board of Trustees.

SECTION 51.

Supervise public officers.

1. The President of the Board of Trustees shall vigilantly observe the conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property.

Examine public records.

2. The books, records and official papers of all departments, boards, officers and persons in the employ of the service of the town, shall at all times be open to his inspection and examination. He shall take especial care to see that the books and records of said departments, boards, officers and persons, are kept in a legal and proper form, and any deficiency or neglect of duty or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Board of Trustees, Town Attorney or District Attorney, in order that the public interests shall be protected, and in default be proceeded against according to law.

Have public records expedit.

3. He shall appoint, subject to the approval of the Board of Trustees, a competent person or persons, expert in matters of book-keeping and accounts, whose compensation shall be fixed by the Board of Trustees, by the Board of Trustees, to examine the books, records, condition and affairs of every department, Board or officer, and report fully thereon in writing to the Board of Trustees at least once in every year and it shall be the duty of the President of the Board to enforce such examination. Any officer, Board or person in the employ of the town refusing to submit to or permit such an examination, or purposely delaying or impeding the same, may be removed from office for such conduct the same as for malfeasance in office.

Supervise public institutions.

4. The President of the Board of Trustees shall have a general supervision over all departments and public institutions of the town and shall see that they are honestly, economically and lawfully conducted.

Have Ordinances enforced.

5. He shall see that the provisions of the Charter and the ordinances of the town are observed and enforced.

Give information to the Board of Trustees.

6. He shall, from time to time, give the Board of Trustees information in writing relative to the state of the town and shall recommend such measures as he may deem beneficial to its interest.

Audit claims.

7. He shall, until the election of an Auditor be had, examine into and audit all claims against the town, the general auditing officer of the town, keep a proper record of all claims and report the same at each regular meeting of the Board, with his recommendations thereon.

Count money in the Treasury.

8. The President of the Board of Trustees, the Chairman of the Finance Committee of the same Board and the Town Clerk shall at least once in three months count the cash in the town treasury and see that it corresponds with the books of the Treasurer and the Clerk and report the result of such count to the Board of Trustees.

Duties of the Auditor.

SECTION 52. The Auditor shall act as the general accounting officer of the town, and shall exercise general supervision over all the officers of the Town charged in any manner with the receipt, collection or disbursement of the Town revenues. He shall keep a complete set of books in which he shall set forth in a plain and business-like manner every money transaction of the Town, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made, and paid into the Treasury by each officer or any other person. He shall, on application of any person indebted to the Town, holding money payable into the Town Treasury, or desiring to pay money thereon, certify to the Town Treasurer an amount due to him, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the Town Treasurer for money paid into the Town Treasury, charge the Town Treasurer with the amount received by him, and give the person paying the same a receipt therefor. He shall be authorized to draw upon among the several funds all public money at any time in the Town Treasury not by law or ordinance specifically apportioned and appropriated, and forthwith notify the Town Treasurer at such apportionment or appropriation. He shall cause to be delivered to the proper officer all licenses. He shall report to the Board of Trustees at each regular meeting the condition of each fund in the Town Treasury, and the amount drawn from each fund since the last regular meeting. He shall make and present a report to the Board of Trustees at its meeting in the second week of December of each year, showing all financial business transactions of the town for the preceding year ending the thirtieth day of November last. He shall cause to be made and delivered to the Board of Trustees a statement of the revenue from other sources than taxation; second, the itemized expenditures; third, the itemized amounts necessary to be raised by taxation for each fund. He shall perform such other duties as shall be required of him by this Charter or by ordinance.

Duties of the Treasurer.

SECTION 53. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into the Town Treasury, for all of which he shall give duplicate receipts, one of which shall be filed with the Town Clerk. He shall pay out said money on warrants signed by the proper officers, and not otherwise, except interest on bonds or on home loan certificates quarterly settlements with the Town Clerk. He shall be ex officio Tax Collector.

Duties of the Assessor.

SECTION 54. It shall be the duty of the Assessor, between the first Monday in March and the first Monday in August, to make and file a true list of all taxable property within the town. The mode of making out said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating the duties of Assessors, or that may hereafter be enacted, except as the same may be otherwise provided in this charter, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be contained in such lists by County Assessors. The Assessor shall verify said list by his oath, and shall deposit the same with the Town Clerk, on or before the first Monday in August in each year. The Assessor and his deputy shall have power to administer all oaths and affirmations that may be necessary in the performance of their duties.

Duties of the Clerk.

SECTION 55. 1. It shall be the duty of the Clerk to keep a full and true record of all the proceedings of the Board of Trustees and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization."

Keep a book of "Town Accounts."

2. He shall keep a book, which shall be marked "Town Accounts," in which shall be entered as a credit all moneys received by the town for licenses, the amount received, and in which shall be entered on the debtor side all commissions deducted and all warrants drawn on the treasury.

Keep a book of "Tax Collector's Account."

3. He shall also keep a book, marked "Tax Collector's Account," in which he shall charge the Tax Collector with all tax lists and orders to him to credit the Tax Collector with the delinquent lists returned by him.

Keep a book of "Treasurer's Account."

4. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the town with the Treasurer.

Keep a book of "Town Licenses."

5. He shall also keep a book, marked "Town Licenses," in which he shall enter all licenses delivered by him to the Marshal, and the amount thereof.

Keep a book of "Sewer Permits."

6. He shall keep a book, marked "Sewer Permits," in which he shall enter all sewer permits delivered by him to the Marshal and the amount thereof.

Keep a book of "Town Ordinances."

7. He shall also keep a book, marked "Town Ordinances," in which he shall copy all town ordinances, with his certificate annexed to said copy, stating the foregoing ordinance to be a true and correct copy of an ordinance of the town, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such evidence in any court or proceeding, and shall not be filed in any case, but shall be returned to the custody of the Town Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way.

Index foregoing books.

8. Each of the foregoing books, except the records of the Board of Trustees and the Board of Equalization, shall have a general index, sufficiently comprehensive to enable a person to refer to ascertain matters contained therein.

Compute amount of Taxes.

9. Upon the completion of the assessment roll for any of the taxes of the town, and levying the tax thereon, the Town Clerk shall compute and carry out the amount of tax so levied on each parcel of property in said assessment roll contained and shall deliver it to the Tax Collector. It shall not be necessary to make a duplicate assessment roll, but the Town Clerk shall compute all delinquent taxes and penalties therefor and charge the Tax Collector therewith.

Appoint a Deputy.

10. He may appoint, subject to the ap-

proval of the Board of Trustees, a deputy, for whose acts he and his bondsmen shall be responsible.

Administer Oaths.

11. He and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the town, and certify the same without charge.

Have charge of the Town Archives.

12. He shall have the custody and be responsible in writing, receipts and expenditures, papers, records, and archives belonging to the town, not in actual use by other officers, or otherwise by special provision committed to their custody.

Make quarterly statements.

13. He shall make a quarterly statement, in writing, showing receipts and expenditures of the town for the preceding quarter, and the amount remaining in the treasury.

Make annual statements.

14. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the town, and a full statement of the financial condition of the affairs of the town, which shall be published, which statement shall also contain a complete list of all the officers of the town with the amounts of their several compensations.

Act as Clerk of Board of Education.

15. He shall ex-officio act as Clerk of the Board of Education.

Perform other duties.

16. He shall perform such other services as this charter and the ordinances of the Board of Trustees shall require.

Duties of the Attorney.

SECTION 56. It shall be the duty of the Town Attorney to advise the town attorney in all legal matters pertaining to the business of the town, and to render such other services in the line of his profession as may be required of him by the Board of Trustees.

Duties of the Marshal.

Have charge of the Town Police.

SECTION 57. 1. The department of police of the town shall be under the direction and control of the Marshal; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of the State, and shall, in all respects, be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, watchmen in the town, and every citizen shall also aid when required, for the arrest of offenders and the maintenance of public order.

Have powers and duties of Constable.

2. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority, and shall have the same power and duties in all civil and criminal cases within the limits of the town as Constables have within the respective townships for which they are elected and shall be entitled to the same fee.

Pay Treasurer moneys collected.

3. He shall, at the expiration of each month, pay to the Town Treasurer all funds of the town collected by him and his deputies during said month. He shall, upon the payment of the money, file with the Treasurer an affidavit stating that the money so paid is all the funds he has collected or received during the preceding month.

Have charge of the Town prisons.

4. He shall have charge of the town prison and prisoners, and of any chain-gang that may be established by the Board of Trustees.

Appoint deputies and additional policemen.

5. He may appoint, subject to the approval of the Board of Trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible. He may also, with the concurrence of the President of the Board of Trustees, when the same may be deemed necessary for the preservation of the town, appoint additional policemen, who shall discharge the duties assigned them for one day only.

Ex-officio License Collector.

6. He shall be ex-officio License Collector.

Perform other duties.

7. He shall perform such other services as this charter and the ordinances of the Board of Trustees shall require.

Duties of the Tax Collector.

SECTION 58. The Tax Collector shall collect all taxes levied by the Board of Trustees, except as herein provided. He shall, at the expiration of each month, pay to the Town Treasurer all taxes and other funds of the town collected by him during said month. He shall, upon the receipt of any tax list, give his receipt for the same to the Town Clerk, and shall, upon depositing with the Town Clerk the duplicate tax list, and his receipt therefor, He shall keep proper books showing all moneys collected by him as Tax Collector, and also a book which shall contain a record of every deed given by or on behalf of the town for real estate sold for delinquent taxes, and in which shall be entered the name of the owner, the amount of the tax, and the date of sale, and shall be at all times subject to public inspection. He shall perform such other duties as may be required of him by law or by ordinance of the Town.

Duties of the Superintendent of Streets.

SECTION 59. The Superintendent of Street shall have the general care of and frequently inspect the streets of the town. He shall keep and inventory all public works, as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street construction. He shall frequently inspect all public works pertaining to street improvements, while the same are in course of construction, and shall have the right to reject all material used in such construction, whether done under contract or otherwise, and shall at once report to the Board of Trustees in writing all deviations from contracts, and use of improper material and bad workmanship in such works, and shall have power pending investigation to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or as may be imposed by ordinance.

Duties of the Engineer.

SECTION 60. 1. It shall be the duty of the Engineer to make surveys, inspections and estimates required by the Board of Trustees.

2. He shall examine all public work done under contract and report thereon in writing to the Board of Trustees.

3. He shall, on application of any person owning or interested in real property in the town for a survey or plat of such property, make and deliver the same upon the payment of his fee therefor.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the town pertaining to his office, and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control during his term of office for the town, shall be the property of the town, and shall not be disposed of or otherwise used by him, or by his successor, except as may be prescribed by this charter or as may be imposed by ordinance.

ARTICLE VI.

SCHOOL DEPARTMENT.

SECTION 61. The Government of the School Department of the Town shall be vested in a Board of Education to consist of seven members to be called School Directors.

Qualifications of School Directors.

SECTION 62. From each of the seven wards of the Town there shall be elected by the qualified electors of the ward he is to represent, one member of the Board of Education, who shall have been at the time of his election a qualified voter within the boundaries of the Town as hereinbefore described for a period of not less than three years, and shall be a resident of the town for six months. If a School Director shall, during the term of his office, cease to be a resident of the town, his office shall by reason thereof be declared vacant.

Vacancies.

SECTION 63. In case a vacancy shall occur in the office of School Director, the Board of Education shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

Meetings.

SECTION 64. The Board of Education shall meet on the first Monday after the election of its members shall have been officially declared, and at such other times as may be designated by resolution in the place provided for them by the Board of Trustees. Special meetings may be called by the President of the Board or four members of the Board uniting in a call. All the meetings of the Board shall be public.

Quorum.

SECTION 65. Four members of the Board shall be a quorum and the affirmative vote of four members shall be necessary to pass any measure, but a less number than four may adjourn from day to day and compel the attendance of absent members, in such manner as the Board may prescribe.

President.

SECTION 66. The Board of Education shall annually elect a President from its own members, who may be removed by an affirmative vote of not less than five members of the Board. The person so chosen as President of the Board shall have no other than his vote as School Director.

Clerk.

SECTION 67. The Town Clerk shall be ex-officio Clerk of the Board of Education and shall receive such compensation as said Board may from time to time determine. It shall be the duty of the Clerk to keep a full and true record of all the proceedings of the Board of Education. He shall make a quarterly statement in writing, showing the income and expenditures of the Board for the preceding quarter, and such other statements as the Board may from time to time require.

Attorney.

SECTION 68. The Town Attorney shall be the Attorney of the Board of Education.

Board may sue and be sued.

SECTION 69. The Board of Education may sue and be sued by its name in office. In any action or suit brought against said board, service of process upon the president, or upon a majority of the members of the board, shall be sufficient to give the court jurisdiction to hear and determine the same.

Administering Oaths.

SECTION 70. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the school fund, and in all other matters relating to the duties of the Board of Education, and to the President of the Board, or by a committee thereof duly appointed by it for that purpose.

Attendance of Witnesses.

SECTION 71. The President may issue subpoenas under his hand and the seal of the town, directed to the Town Clerk, to compel the attendance of witnesses before the Board of Education, or committee thereof, who shall be entitled to the same fees as witnesses in civil cases, and who may be punished for contempt for non attendance, or refusal to be sworn, or to answer, by the Superior Court of the county in which the town is situated.

School Warrants.

SECTION 72. Every claim payable out of the school fund shall be filed with the clerk of the Board of Education, and after it shall have been approved by the board a certificate of such approval shall be endorsed thereon, signed by the president and Clerk, and a warrant upon the school fund shall be issued thereon for the payment of such claim, which warrant shall be signed by the president of the board, and countersigned by the clerk, and shall specify for what purpose the same is drawn.

Mode of Receiving County Moneys.

SECTION 73. Unless otherwise provided by law, all moneys received by the treasurer of the county wherein the town is situated, on account of the school fund of the town, and all sums received into the county treasury, which may be apportioned to the town shall be paid to the Town Treasurer by the County Treasurer as soon as received, or as soon as the apportionment shall be made, either by check or money order, upon the order of the Board of Education.

Use of State School Moneys.

SECTION 74. The entire revenue derived by the town from the State school fund and the State school tax shall be applied by the school directors to the support of primary and grammar schools.

Powers of the Board of Education.

SECTION 75. The Board of Education shall have power:

To Establish Schools.

1. To establish and maintain public schools, including High Schools and Kindergartens, and to change, consolidate and discontinue the same.

To Employ Teachers and Other Officers.

2. To employ and dismiss teachers, janitors, transient officers, and school census marshals, and to fix, alter, allow, and order paid their salaries or compensations, and to employ and dismiss such officers and laborers as may be necessary to carry into effect the powers hereby conferred.

To Make Rules for the Schools.

3. To make, establish and enforce all necessary proper rules and regulations, not in conflict with the laws of this State, for the government and management of public schools within the town, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

To Regulate Courses of Study.

4. To establish and regulate the grades of schools in the town, and the mode of instruction to be pursued therein, and determine what text books shall be used, and to cause copies of the same to be prepared for entrance to the University of California.

To Regulate Admission of Pupils.

5. To prohibit any children under six years of age from attending the public schools, except in the kindergarten, and younger children may be received.

To Regulate Admission of Non-Resident and Adult Pupils.

6. To admit non-resident children, and persons over twenty-one years of age, to any of the departments of the schools of the town, upon the payment monthly in advance, of such tuition fee as the Board may establish.

To Provide School Supplies.

7. To provide for the school department of the town fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by the Board.

To Provide School Houses.

8. To build, alter, repair, rent, and provide school-houses, and to furnish the same with proper school furniture, apparatus, and appliances, and to insure any and all school property.

To Hold Property.

9. To purchase, receive, lease, and hold in trust for such town, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the schools of the town; provided, that no real estate shall be bought, sold, or exchanged, nor any expenditure incurred for the construction of new school houses, without the approval of the Board of Trustees; and provided further that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots and for the erecting of school-houses thereon.

To Improve School Lots.

10. To grade, fence, and improve all school lots.

To Make Annual Estimates of Expenses, Tax Limit.

11. To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the Board of Education shall, at least ten days before the meeting of the Board of Trustees at which the annual town taxes are levied, submit in writing to the Board of Trustees a careful estimate of the whole amount of money to be received from the state and county, and of the amount to be required from the town

for the above mentioned purposes; and the amount so found to be required from the town shall, by the Board of Trustees, be added to the above amounts to be assessed and collected for town purposes, and when collected, the proceeds thereof shall be immediately paid into the school fund of the town, Board of Education, provided that such annual tax shall not exceed thirty cents on each one hundred dollars of the assessed valuation of the real and personal property within the town.

To Regulate Disbursement of Money.

12. To establish regulations for the list and equal disbursement of all moneys belonging to the